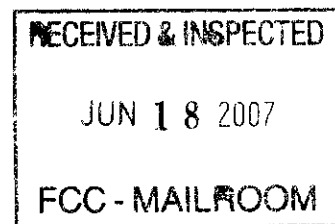




OPEN INTERNET COALITION

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WASHINGTON, DC 20001
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June 13, 2007



The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Martin:

The Open Internet Coalition urges the Commission to adopt a consistent policy that favors consumer choice and an open Internet over the restrictive practices of network operators. Consumers – not telcos or cable operators – should be empowered to make choices about which consumer electronics they purchase. To protect the principle of open networks and to further this principle in practice, we request that the Commission deny the pending waiver requests that frustrate consumer choice in the market for set-top boxes.

In addition, we urge the Commission to solicit comment on CEA's November 7, 2006 "Proposal for Bi-Directional Digital Cable Compatibility and Related Issues" (CS Docket No. 97-80). Further, the FCC should expedite negotiations between cable MSOs and CEA to ensure that a downloadable security software solution becomes available that allows for competition and innovation in the set-top box market. Finally, we ask the FCC to ensure that any downloadable security solution is non-proprietary and has a standard national interface that is developed in an open standards body.

It is disappointing but not surprising that the cable companies are resisting opening the market for set-top boxes and giving more control to consumers. Network operators are financially motivated to leverage their market position to favor vertically integrated products and content. This is the same kind of exercise of market power we fear with regards to the open Internet. The desire of cable companies to keep ironclad control over the set-top box market foreshadows efforts to control consumers' experience on the Internet. This is why cable operators vigorously oppose our efforts to promote network neutrality rules that would ensure that the Internet remains open to all producers and consumers of content on fair and equal terms.

Our advocacy for a neutral network stems from our desire to ensure that self-interested gatekeepers—like the cable companies—cannot hold captive the online economic marketplace or marketplace of ideas. Similarly, cable companies should not be able to thwart competition and innovation in set top boxes.

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In the end, a communications marketplace that empowers consumers over network operators will maximize innovation and choice. We encourage the FCC to vigorously promote such policies.

Sincerely,

A handwritten signature in black ink, reading "Markham C. Erickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Markham C. Erickson
Executive Director
Open Internet Coalition